IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B RADHAKRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 2105 of 2007(A)

PETITIONER:

S. AJESH, AGED 27 YEARS,
S/O.SANKARA NARAYANAN, KULANGARA HOUSE,
KULASSEKHARAMANGALAM, VAIKOM,
KOTTAYAM DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:
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1. THE GEOLOGIST, MINING AND
GEOLOGY DISTRICT OFFICE, COLLECTORATE P.O.,
KOTTAYAM.

2. THE DISTRICT COLLECTOR,
(CHAIRMAN OF THE DISTRICTY LEVEL EXPERT
COMMITTEE CONSTITUTED UNDER ACT 18 OF 2001)
COLLECTORATE P.O., KOTTAYAM.

BY GOVERNMENT PLEADER SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE SKETCH AND PLAN ISSUED BY THE VILLAGE OFFICER DATED 20.12.06.

EXT.P2: TRUE COPY OF THE ORDER DATED 10.1.07 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P3: TRUE COPY OF THE PROCEEDINGS OF THE PRINCIPAL SECRETARY TO GOVERNMENT VIDE NO.4692/A3/2003/ID DATED 29.4.04.

EXT.P4: TRUE COPY OF THE JUDGMENT DATED 5.10.06 IN WP(C).24644 OF 2006 OF THIS HONOURABLE COURT.

/TRUE COPY/

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.2105 Of 2007

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Dated this the 30th day of January, 2007.

J U D G M E N T

By the impugned Ext.P2, the geologist rejected the petitioner's application for licence under Kerala Minor Mineral Concession Rules-1967 on the directions of the 2nd respondent-Collector to discourage dealer's licence near water courses. This contradicts the verdict of this Court in Ext.P4 judgment that it is not for the revenue authorities to interfere with such matters. Geologist is an authority under the Kerala Minor Mineral Concession Rules-1967 and when he is excersing as a statutory authority he has to do so in terms of law. So much so, the refusal to consider the petitioner's application merely on account of the circular which is referred to as Sl.No.2 is illegal. Ext.P2 is quashed and it is directed that Geologist will take up the petitioners applications and consider it on its merits, in accordance with law and have a decision going by the rules governing the field.

This writ petition is allowed as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj